



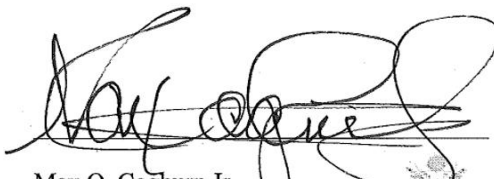
“sanctions less drastic than dismissal” will be effective. Id.  
Richardson v. Boddie-Noell Enterprises, Inc., 2003 WL 22429534, at 4 (4<sup>th</sup> Cir. 2003).<sup>1</sup> Further,  
the appellate court has instructed that the “test for dismissal pursuant to Rule 41(b) is similar to  
that for Rule 37,” and that “before a dismissal a court must give a plaintiff a “clear and explicit”  
warning of the consequences of failing to satisfy the court’s conditions and orders,” and that  
“dismissal as a sanction is an extreme remedy to be used only when a party has displayed callous  
disregard to its obligations or exhibited very bad faith.” Berry v. South Carolina Dept. of Social  
Services, 1997 WL 499950, at 6 (4<sup>th</sup> Cir. 1997).

Plaintiff is advised that unless she complies with the Pretrial Order by filing a “Motion  
for Summary Judgment” with the court by January 18, 2013, the court will dismiss her action for  
failure to prosecute.

#### ORDER

IT IS, THEREFORE, ORDERED that plaintiff file her Motion for Summary Judgment  
not later than January 18, 2013; failure to do so may result in summary dismissal of this action.

Signed: January 3, 2013



Max O. Cogburn Jr.  
United States District Judge

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<sup>1</sup> Due to the limits of CM/ECF, copies of unpublished opinions are incorporated  
herein by reference to the Westlaw citation.